

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ENERIO RODRIGUEZ-PENA,

Petitioner,

v.

JEH JOHNSON, et al.,

Respondents.

NO. C15-1999-JLR-JPD

REPORT AND
RECOMMENDATION


Petitioner Enerio Rodriguez-Pena, a native and citizen of the Dominican Republic, was previously detained by U.S. Immigration and Customs Enforcement at the Northwest Detention Center under an order of removal. *See* Dkt. 1. Through counsel, petitioner filed the instant habeas corpus petition pursuant to 28 U.S.C. § 2241, seeking an immediate stay of removal and release from detention. *Id.* The Court denied petitioner's request for a stay, and ordered respondents to file a return and status report on or before February 4, 2016. Dkts. 3, 4.

On January 13, 2016, petitioner was released from the Northwest Detention Center on an order of supervision. Dkt. 6-1. Accordingly, in lieu of filing a return and status report, the parties have filed a joint stipulated motion to dismiss. Dkt. 6. The parties agree the habeas petition is moot and ask the Court to dismiss this action without prejudice and without an award of costs or fees to any party. *Id.*

1 Based on the parties' stipulation, the Court recommends entering an Order (1) granting
2 the parties' joint stipulation, Dkt. 6, and (2) dismissing this matter without prejudice and without
3 an award of costs or fees to either party. A proposed Order accompanies this Report and
4 Recommendation.

5 The Clerk should note the matter as immediately ready for the Honorable James L.
6 Robart's consideration.

7 DATED this 20th day of January, 2016.

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10 JAMES P. DONOHUE
11 Chief United States Magistrate Judge
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